



# City of Carmel

## **Carmel Advisory Board of Zoning Appeals Hearing Officer Monday, September 26, 2005**

The meeting was held at 5:15 PM in the Caucus Rooms of City Hall, Carmel, Indiana on Monday, September 26, 2005. The Hearing Officer was Kent Broach.

Department of Community Services Staff in attendance was Angie Conn. John Molitor, Legal Counsel was also present.

### **D. Public Hearing:**

#### **1-2d. Carmel/Clay Schools, Mohawk Trails Elementary**

The applicant seeks the following development standards variances:

**Docket No. 05080024 V      ZO Chapter 25.07.02-05.d      institutional sign height**

**Docket No. 05080025 V      ZO Chapter 25.07.02-05.g      amount of changeable copy**

The site is located at 4242 E 126th St. and is zoned R-1/Residence.

Filed by William Payne of Fanning/Howey & Associates for Carmel/Clay Schools.

Present for the Petitioner: William Payne. This is a proposed building identification sign to be located south of the main entrance of the school. It is identical to the other identification signs located at the other schools. They are using colors of brick and lettering that will blend with the school. They have appropriate foundation plantings around the ground sign.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department did not have any concerns with the height of the sign or the changeable copy. The sign will benefit the community and the Department recommended positive consideration.

Mr. Broach **APPROVED Docket Nos. 05080024V and 05080025V, Carmel/Clay Schools, Mohawk Trails Elementary.**

#### **3d. Carmel/Clay Schools, Shelborne Rd. Campus**

The applicant seeks the following development standards variance:

**Docket No. 05080026 V      ZO Chapter 25.07.02-05.b      number of institutional signs**

The site is located at 12415 Shelborne Rd. and is zoned S-1/Residence.

Filed by William Payne of Fanning/Howey & Associates for Carmel/Clay Schools.

Present for the Petitioner: William Payne. They presently have building identification signs, but this is a multi-building campus. These signs will identify the three school buildings that are on the campus and will be located at the 126<sup>th</sup> Street and Shelborne Road entrances.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department recommended positive consideration. The facility has become so huge that additional signage will help anyone visiting the site and will also help with traffic flow.

Mr. Broach **APPROVED Docket No. 05080026V, Carmel/Clay Schools, Shelborne Road Campus.**

**4d. Orchard Park, Lot 174 - Strong Residence**

The applicant seeks the following development standards variance:

**Docket No. 05080028 V      ZO Chapter 25.02.02      fence height**

The site is located at 10208 Niman Ct. and is zoned S-2/Residence.

Filed by Dallas & Lori Strong.

Present for the Petitioner: Dallas and Lori Strong. Three years ago the pool was installed and one section of the fence was increased to eight feet due to the higher elevation of the adjacent rental property. They had talked to the neighbors and had no complaints at the time. Pictures were shown. The rental property is at a higher elevation. At the time of installation, they thought they only needed Hamilton County approval.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department recommended positive consideration because there is only a small portion of the fence that is eight feet tall. The rest is in compliance at six feet.

Mr. Broach **APPROVED Docket Nos. 05080028V, Orchard Park, Lot 174 – Strong Residence.**

**5-7d. Hamilton Heights, Lot 37: Home Occupation Sign**

The applicant seeks the following development standards variances:

**Docket No. 05080002 V      ZO Chapter 25.07.02-03.a      residential sign type**

**Docket No. 05080003 V      ZO Chapter 25.07.02-03.c      residential sign size**

**WITHDRAWN Docket No. 05080004 V      ZO Chapter 25.07.02-03.b      # of residential signs**

The site is located at 2050 E 96th St. and is zoned S-2/Residence.

Filed by Michael Godfrey of Brunson & Co.

Present for the Petitioner: Mike Godfrey and Kumika Brunson. They operate Brunson & Company from their home, doing insurance work. They have made significant improvements to the property. The area has been deemed a home-work area. They would like the sign for their yard.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. Docket No. 05080004 V was withdrawn because the Department initially was under the impression that there was already a wall sign, but that was not the case. The Department recommended positive consideration of the other two dockets because the character of the road is changing. There is more traffic and this larger sign will give better visibility. The sign will need a permit and will need to comply with the Ordinance with regard to location.

Mr. Broach asked about lighting for the sign and Mr. Godfrey stated there was no lighting. They have been attending the meetings for the 96<sup>th</sup> Street area improvements.

Mr. Broach **APPROVED Docket Nos. 05080002V and 05080003V, Hamilton Heights, Lot 37: Home Occupation Sign.**

**8d. Woods at Williams Creek, lot 25 – Faulkner Residence**

The applicant seeks the following development standards variance:

**Docket No. 05070025 V ZO Chapter 25.01.01.B.3.b(i)(b) pool located in easement**

The site is located near the southwest corner of Springmill Rd. and 141st St. and is zoned S-1/Residence-Estate. Filed by Stephen & Sherri Faulkner.

Present for the Petitioner: Dave Barnes, Weihe Engineers. The deck would encroach 5 feet on one side and 3 feet on the other side into a 15-foot easement. It is a drainage/utility easement. Hamilton County Surveyor's office has no problem with the encroachment.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The pool and deck are located 10 to 12 feet from the property line. They have received Consent to Encroach from the County and the Department recommended positive consideration. The owner also signed the Encroachment Agreement to remove the deck if the County needs to work in the drainage easement.

Mr. Broach **APPROVED Docket No. 05070025 V, Woods at Williams Creek, lot 25 – Faulkner Residence.**

**9d. Parkwood Crossing, Bldg 2 - Firestone**

The applicant seeks the following development standards variance:

**Docket No. 05080029 V ZO Chapter 25.07.02-10(b) sign oriented east**

The site is located at 310 E 96th St. and is zoned B-6/Business within the US 31 Overlay.  
Filed by Steve Granner of Bose McKinney for BFS Diversified Products, LLC.

Present for the Petitioner: Steve Granner. Also present was John Vasuta Vice President, General Counsel and Secretary for BFS Diversified Products, LLC. The Sign Ordinance would require the sign for this building to be on the south side facing 96<sup>th</sup> Street. Through the development of Parkwood Crossing, they have attempted to orient the signs away from the south façade and toward the interstate. A sign on the west façade would not be seen between Buildings 1 and 2 or from the interstate because of the vegetation. Pictures of the area were shared.

Members of the public were invited to speak in favor or opposition to the petition.

Maynard Cox, 9540 Broadway Street, representing College Commons Homeowners Association on the south side of 96<sup>th</sup> Street. He gave letters to Mr. Broach from two neighbors. They have no objection to the location of the sign. It will be visible from the intersection at College. They are concerned about the illumination and color of the sign.

Janet Cox, 9540 Broadway Street, asked why it needs to be illuminated at night when the business would be closed. The office lights can be seen at night when the cleaning crews are in the buildings.

Mr. Granner stated the color, lighting and materials of the sign would be discussed and determined at Plan Commission sub-committee meeting October 4, 2005.

Mr. Broach stated all he could decide tonight would be the location of the sign. The other issues would be discussed at the Public Hearing on October 4.

Carol Marlin, 9570 N. Broadway, recalled from the original plans that all the signs were supposed to face 96<sup>th</sup> Street. The Petitioner did not want the signs to face 96<sup>th</sup> Street, but rather to face the interstate. They gave up their right to put the signs on the south side.

Mr. Granner stated that this was covered with the Verizon sign four and a half years ago. It depends on which building they are discussing as to what signage they could have. The building on the east end has three frontages and by Ordinance could have three signs. Building #2 only has frontage on 96<sup>th</sup> Street, so it is only permitted one sign on the south façade. They have never given up the right to that. At the time of the Verizon sign commitments, they did not give up the rights to signs on Buildings #2 and #4 because they did not have a sign at the time. They needed a variance to place the sign on a different façade. He had a copy of the minutes from the February 26, 2001 meeting. They searched the records at that time and no other commitments were found.

Mrs. Cox stated that George Harley from the Planning Committee of Nora Council was going to search his records for any commitments.

Rebuttal:

Mr. Granner reiterated that tonight was only dealing with the location of the sign. Building #6 has two signs on the north façade toward the interstate. Building #5 has one sign, but a variance approved to have 2 signs toward the interstate. Building #4 just put a sign on the north side. Building #3 has a sign on the north façade toward the interstate. Indiana Insurance has a variance sign package with signs

toward the interstate. Building #2 has never had a sign. Building #1 had a north sign (GTE) before Building #7 was built. When Building #7 was built, they obtained a variance to move the new sign (Verizon) to the west façade toward Meridian. Building #7 has a variance for two signs, CSO and Morgan Stanley, toward the interstate. All the signs that have gone up through the years face north, with the exception of the Verizon sign facing west and now the east façade for Building #2.

Mrs. Conn gave the Department Report. This item will go before the Plan Commission sub-committee for the ADLS Amendment approval for color, material and lighting. This variance is only for the sign location. The Sign Ordinance specifies that a sign must face the road frontage which would be 96<sup>th</sup> Street. The Department was in favor of this variance and does not feel the sign will be facing directly toward the neighborhood to the south.

Mr. Broach **APPROVED 05080029V, Parkwood Crossing, Bldg 2 – Firestone**. He encouraged the neighbors to continue to work with Mr. Granner regarding the sign at the Public Hearing on October 4.

**E.     Old Business.**

There was no Old Business.

**F.     New Business.**

There was no New Business.

**G.     Adjourn.**

The meeting was adjourned at 5:55 PM.

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Kent Broach, Hearing Officer

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Connie Tingley, Secretary